No. 71-933

In the Supreme Court of the United States

OCTOBER TERM, 1971

THADDEUS M. OHRYNOWICZ, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ERWIN N. GRISWOLD,
Solicitor General,
Department of Justice,
Washington, D. C. 20530.

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After a jury trial in the United States District Court for the Southern District of Illinois, petitioner was convicted on eight counts charging conspiracy and mail fraud, in violation of 18 U.S.C. 371, 1341, 1342. He was sentenced to a total of eight years' imprisonment. The court of appeals affirmed by order on October 21, 1971, relying on its opinion affirming the conviction of petitioner's co-indictee, Robert

Strauss (Pet. App. A).[1] The petition for a writ of certiorari was not filed until January 18, 1972, and is substantially out of time under Rule 22(2) of the Rules of this Court.

Petitioner's sole contention is that the proof failed to show a use of the mails in furtherance of the illegal check kiting scheme. This claim is fully answered in the opinion of the court of appeals affirming *Strauss'* conviction (Pet. App. B), on which we rely.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

FEBRUARY 1972

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[1] Strauss has filed a separate petition for a writ of certiorari (No. 71-908) to which we have filed a separate response.

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